

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JOHN EDWARD KLUTH,	)	
	)	
Petitioner,	)	
vs.	)	NO. CIV-15-0758-HE
	)	
TRACY MCCOLLUM, Warden,	)	
	)	
Respondent.	)	

**ORDER**

Petitioner, John Edward Kluth, proceeding *pro se*, filed this action seeking habeas relief pursuant to 28 U.S.C. § 2254 and sought leave to proceed *in forma pauperis*. Consistent with 28 U.S.C. § 636(b), the matter was referred to Magistrate Judge Gary M. Purcell, who concluded plaintiff has sufficient financial resources to pay the \$5.00 filing fee. He recommended that petitioner's motion be denied and he be required to pay the full fee in order for the action to proceed. The magistrate judge recommended that the action be dismissed without prejudice if the full fee was not paid by August 3, 2015. Plaintiff paid the \$5.00 fee on July 24, 2015.

Accordingly, plaintiff's motion [Doc. #2] is **STRICKEN** as being **MOOT** and the matter is referred again to Magistrate Judge Purcell for further proceedings.

**IT IS SO ORDERED.**

Dated this 7th day of August, 2015.

  
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JOE HEATON  
UNITED STATES DISTRICT JUDGE